

EXHIBIT W

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

CELESTE WILLIAMS, LAUREN CRUZ, EMANUEL
O'NEALE, BRANDON STURMAN, LATRESHA HALL,
LAKEISHA MITCHELL, CHRISTINE BORBELY and
JANINE APONTE on behalf of themselves and
others similarly situated,

Plaintiffs,

-against-

Index No.

07cv3978

TWENTY ONES, INC., d/b/a THE 40/40
CLUB, SHAWN CARTER p/k/a JAY-Z,
JUAN PEREZ and DESIREE GONZALES,
Defendants.

- - - - -X

January 29, 2008

10:07 a.m.

DEPOSITION of CHRISTOPHER POWNALL, a
Plaintiff herein, taken pursuant to Notice,
and held at the offices of Littler Mendelson,
P.C., 885 Third Avenue, New York, New York,
before Leeann Bertorelli, a Court Reporter
and Notary Public of the State of New York.



CHRISTOPHER POWNALL

10

12

1 thing, like a non-committal answer. and just
2 walked away.

3 **Q. Did you ever follow up with either**
4 **of them after that?**

5 A. I can't remember that I did. I
6 mean, I had called the club on occasions like the
7 next year. when I was trying to get like my W2
8 and that kind of thing. I called to follow up a
9 couple of times on that.

10 **Q. When did you make those calls?**

11 A. It was probably the January after I
12 had worked there.

13 **Q. And when did your employment with**
14 **the club end?**

15 A. I think -- I believe it was in March
16 of that year. was it '06 or --

17 **Q. So you were referring to January of**
18 **'07 --**

19 A. Yeah.

20 **Q. -- when you made these calls?**

21 A. Yeah.

22 **Q. And who did you call?**

23 A. I called the office. I don't
24 remember who I spoke to.

1 **Q. Did you ask for anyone in**
2 **particular?**

3 A. No. I just asked about W2s. If we
4 even had W2s because I wasn't sure. Just to my
5 knowledge, there was no documentation of hours we
6 worked or what we made. So I wasn't even sure I
7 was going to get a W2. So I talked to whoever
8 the receptionist was.

9 **Q. A woman?**

10 A. Yeah. I mean, I called like
11 probably three or four times.

12 **Q. And what was the response that you**
13 **got?**

14 A. Initially, I'm not -- I don't
15 remember. But eventually, I mean they said they
16 were sending them out.

17 **Q. Okay. And did you receive it?**

18 A. Yes. I did receive a W2.

19 **Q. When did you receive that?**

20 A. I'm not sure. Probably at the end
21 of January, I think, of that year.

22 **Q. Do you recall any specific**
23 **conversations you had with Philip or Joe**
24 **concerning the issues raised in your complaint?**

1 A. About the W2s or --

2 **Q. Any of the issues.**

3 A. Just the same thing, like working.

4 I know I talked to Philip about working parties
5 and not getting paid for taxes -- tips for that.

6 **Q. Do you recall what party you were**
7 **referring to?**

8 A. There was a -- I know for sure there
9 was a party that I worked in the bar that was on
10 the main floor to the side, there's like a
11 birthday party. Sometimes there's like several
12 birthday parties and stuff in there. I know like
13 they had said that we were supposed to get paid
14 some kind of tips from that like they paid to the
15 club, that we never received.

16 **Q. Who said that?**

17 A. The other bartender I was working
18 with. I can't remember his name.

19 **Q. Do you recall who the customer was**
20 **that was having the party?**

21 A. No, I don't remember.

22 **Q. Do you recall when the party**
23 **happened?**

24 A. It was probably February of '07, I

11

13

1 think.

2 **Q. February of '06?**

3 A. '06, yeah. I'm sorry.

4 **Q. Did you ever ask any manager of the**
5 **club about those tips?**

6 A. I asked Sheldon about it. And he
7 said he'd look into it.

8 **Q. And what happened after that?**

9 A. Never heard anything again.

10 **Q. Did you ever follow up with him?**

11 A. Yeah, I followed up with him on one
12 occasion. And he said the same thing. He said
13 he was still looking into it.

14 **Q. When you received your W2 at the end**
15 **of January, did you have any questions about it?**

16 A. I mean, yeah, I had no idea what the
17 numbers even meant. Like how they were
18 documented or anything.

19 **Q. Did you ask anyone about that?**

20 A. No, I did not.

21 **Q. Do you recall any other**
22 **conversations you had with any employees**
23 **concerning your claims?**

24 A. Not specific conversations.

CHRISTOPHER POWNALL

42

44

1 A. It was in March.

2 **Q. Do you recall specifically,**
3 **beginning or end of March?**

4 A. End of March, middle of March.
5 Probably towards the end of March.

6 **Q. And what happened?**

7 A. Just at the end of the night, every
8 night you count out your drawer and see. And
9 mine was like -- I don't recall, it might have
10 been around \$40 short or something. And my tips
11 were taken to cover that loss.

12 **Q. Who took your tips?**

13 A. The other owner of the club, I
14 forget. Des's husband. I don't remember his
15 name. I barely ever dealt with him. It was
16 Juan.

17 **Q. Mr. Perez?**

18 A. Yeah.

19 **Q. And what did he say to you?**

20 A. He just said that my drawer was
21 short and then Sheldon and I, the other manager,
22 he took me out to try and figure out what
23 happened. And when we couldn't figure it out,
24 they used my tips.

43

1 **Q. Did you receive the write-up?**

2 A. No. I was terminated at that time.

3 **Q. And someone asked you to provide**
4 **them with the \$40?**

5 A. Yeah.

6 **Q. And you handed that physically to**
7 **Mr. Perez?**

8 A. He took it out of my tips. I mean
9 he had my singles in his possession.

10 **Q. How did he have your tips in his**
11 **possession?**

12 A. Because he was changing them out
13 for -- I had singles. He was changing them out for
14 20s.

15 **Q. Did you receive any write-ups for**
16 **your register being short or over?**

17 A. No.

18 **Q. Was your register ever over?**

19 A. I believe there was an occasion
20 where it was over like \$5 or something, 5 or \$10
21 maybe.

22 **Q. How much in tips do you believe you**
23 **are entitled to from that party, that birthday**
24 **party?**

1 A. I don't recall.

2 **Q. Do you have an estimate?**

3 A. Not currently.

4 **Q. Are there documents that would**
5 **refresh your recollection as to the amount?**

6 A. I would have to see the written
7 policies, I guess.

8 **Q. Did the club ever retain any of your**
9 **tips if you didn't properly follow a credit card**
10 **procedures?**

11 A. There was a time when the credit
12 card didn't go through or something like -- he
13 didn't -- maybe I didn't take an imprint or
14 something correctly, and it didn't go through.
15 And my tips were retained to cover the bill.

16 **Q. By who?**

17 A. Again, by Sheldon.

18 **Q. Is that now -- your tips were**
19 **retained to cover the whole bill?**

20 A. Right.

21 **Q. How much was that?**

22 A. I don't recall.

23 **Q. Did you ever ask for that money**
24 **back?**

45

1 A. No. Out of fear of losing my job,
2 no.

3 **Q. I notice you didn't indicate this**
4 **retention of tips in your declaration.**

5 A. I'm sorry.

6 **Q. In your declaration you outline all**
7 **of the things that the club has done wrong; you**
8 **don't mention that your tips --**

9 A. That specific instance or ever?

10 MR. FREDERICKS: Objection. He does
11 -- if you look at Paragraph 10, he does
12 say that he believes that portions of the
13 tips were retained by defendants.

14 **Q. Well, I'm actually more specifically**
15 **looking at 13. You refer to a policy of the club**
16 **forcing employees to pay the bill. You don't**
17 **indicate that that ever happened to you?**

18 A. Does that mean that it didn't

19 happen?

20 **Q. I'm just asking. In other cases,**
21 **you indicated where such things happened to you.**
22 **I'm wondering why you omitted it here.**

23 A. I don't recall.

24 **Q. Just didn't think of it then maybe?**

12 (Pages 42 to 45)

CHRISTOPHER POWNALL

46

48

1 A. It's possible.

2 **Q. Did the club ever require you to pay**
3 **for breakage or spills?**

4 A. Not personally.

5 **Q. Are you aware of that occurring to**
6 **anyone else?**

7 A. I've heard of it happening.

8 **Q. From who?**

9 A. From the other bartenders.

10 **Q. From who, specifically?**

11 A. From Joe, he had told me about it.

12 **Q. What did he tell you?**

13 A. That another bartender had like
14 almost broken a glass or something, or a bottle

15 one time. And they -- he had said that be

16 careful because if you break it, you'll have to

17 pay for it. You'll have to pay for the whole

18 bottle.

19 **Q. Did he tell you what he was basing**
20 **that knowledge on?**

21 A. He just -- from prior experience.

22 **Q. Did he say that it happened to him?**

23 A. No.

24 **Q. And you never saw this happen to**

1 answer.

2 MS. SHEINKIN: I'm not asking for
3 privileged information. I'm asking for a
4 fact.

5 MR. FREDERICKS: Well, it's
6 privileged information if it's any
7 communication between -- I don't what know
8 what you're trying to cook up here.

9 MS. SHEINKIN: If the answer's no,
10 then the answer is no. We can move on if
11 you're going to object.

12 MR. FREDERICKS: Yeah, I mean,
13 obviously who would pay him? It would
14 presumably be his attorneys that would pay
15 him to participate in a lawsuit. But
16 you're cooking something up here that just
17 doesn't exist. It's in fact, it's the
18 complete opposite of what happened. But
19 answer the question. That's fine. Waive
20 the privilege.

21 A. No one has paid me to participate.

22 **Q. Or offered you any money?**

23 A. No.

24 **Q. When did you apply for employment at**

1 anyone?

2 A. I've never saw -- no. I mean, I
3 never personally saw people paying for things out
4 of their pocket. I never saw an exchange of
5 money.

6 **Q. Did you ever see anyone break**
7 **something?**

8 A. I don't recall.

9 **Q. Did you ever break anything?**

10 A. I don't recall.

11 **Q. What about spills, did you ever**
12 **spill a drink?**

13 A. Spill a drink, not that I remember.
14 It was a long time ago.

15 **Q. What about giving the customer a**
16 **wrong order?**

17 A. Not that I remember.

18 **Q. You don't recall ever doing that?**

19 A. It's possible that it happened. But
20 I don't remember.

21 **Q. Has anyone paid you or offered you**
22 **any money to participate in this lawsuit?**

23 MR. FREDERICKS: Objection.

24 Objection. Privileged information. Don't

1 the 40/40 Club?

2 A. It was probably the beginning of
3 January of '06.

4 **Q. How did you apply?**

5 A. I just went in with my resume, and I
6 was hired. Or I was told to come back that night
7 and start training.

8 **Q. You started training on the same day**
9 **that you applied?**

10 A. I believe so. It was either the
11 same day or the next day.

12 **Q. Who did you meet with when you**
13 **applied?**

14 A. I forget the manager. It was a
15 female. Or a younger female. I believe she
16 didn't work there by the time I left in March.
17 She wasn't even any longer employed there.

18 **Q. And you were applying for the**
19 **position of bartender?**

20 A. Right.

21 **Q. Did you have bartending experience?**

22 A. Uh-huh.

23 **Q. Where was that?**

24 A. I worked at a bar in England.

CHRISTOPHER POWNALL

58

60

1 A. I'm sure at some point I asked a
2 question.

3 **Q. Did you ever raise any of the issues**
4 **that you're raising in your lawsuit?**

5 A. No, out of the fear of losing my
6 job.

7 **Q. What was your basis for that fear?**

8 A. Basically, it was like a revolving
9 door. Like people were losing their jobs left
10 and right there. And it was -- it was basically
11 the fear of that. If I was raising questions and
12 started, you know, that kind of thing, then I
13 would be terminated.

14 **Q. Do you have knowledge of any**
15 **employee who was terminated from the 40/40 Club**
16 **for asking questions about payroll practices?**

17 A. I'm not -- for that specifically,
18 but --

19 **Q. For what?**

20 A. I'm sorry?

21 **Q. For what?**

22 A. For several reasons. People getting
23 fired for, same thing, like drawers being short
24 or -- I mean --

1 **Q. For the policy violation?**

2 A. Yeah, yeah. I mean -- that's the --
3 I don't know. That's the official reason, yes.

4 **Q. Do you have any basis to believe**
5 **that that reason is not legitimate?**

6 A. I -- I mean, I can't think of
7 specific instances offhand right now. It was
8 such a long time ago. Like I can't --

9 **Q. Was Shawn Carter ever present for a**
10 **staff meeting?**

11 A. Not that I attended.

12 **Q. Was Juan Perez ever present for a**
13 **staff meeting?**

14 A. Not that I can remember. Maybe he
15 might have like ducked in once or twice or
16 something.

17 **Q. Do you have specific recollection of**
18 **that happening?**

19 A. Not necessarily. I mean, not like
20 specific dates or anything.

21 **Q. Do you have any recollection of Mr.**
22 **Perez being present for any part of the staff**
23 **meeting?**

24 A. I think there might have been a time

1 or two that he popped his head in. He was
2 probably present in the office while we were
3 having a meeting.

4 **Q. What time was that?**

5 A. What time?

6 **Q. When did that occur?**

7 A. I can't remember a specific date,
8 no.

9 **Q. Did he say anything?**

10 A. Not necessarily to the staff. I
11 mean it might have even been just like, hey,
12 you've got a phone call.

13 **Q. But you're saying it might have**
14 **been. So you're saying you don't know if that**
15 **actually occurred or not?**

16 A. Right. I don't remember for a
17 hundred percent certainty, no.

18 **Q. How many bars are there at the club?**

19 A. There were like three main bars. Or
20 there's two bars on the main floor, and then
21 there was a service bar in the back. And there's
22 one bar upstairs, and then there was a service
23 bar upstairs also when I was there.

24 **Q. And did you work at the same bar on**
59 61

1 **every shift, or did you rotate?**

2 A. No, I rotated.

3 **Q. Did you work at all of these bars?**

4 A. Yeah.

5 **Q. How were you assigned to a**
6 **particular bar?**

7 A. As I recall, there was a like a
8 board that like had a layout of the club, and it
9 had your name on it when you walked in the door.

10 **Q. Do you know who made those**
11 **assignments?**

12 A. No, I don't recall.

13 **Q. At some of those bars, you would**
14 **serve customers?**

15 A. Uh-huh.

16 **Q. And at other -- at the service bars,**
17 **you were making drinks for the servers --**

18 A. Right.

19 **Q. -- is that correct? Were there**
20 **other bartenders that you worked with at the bar?**

21 A. Yeah.

22 **Q. And at the main bar, you were**
23 **assigned a cash drawer?**

24 A. Right.

CHRISTOPHER POWNALL

62

64

1 Q. Did you have a cash drawer at the
2 service bar?

3 A. No.

4 Q. Did anyone else use the same drawer
5 as you?

6 A. Not on purpose that I know of.

7 Q. Were you supposed to share drawers
8 or everyone used a separate?

9 A. Everyone used a separate one.

10 Q. Because you were responsible for
11 maintaining the correct amount of cash --

12 A. Right.

13 Q. -- in a particular drawer? When you
14 were working at the bars serving customers, tell
15 me about the process of the ordering.

16 A. Person would order a drink, I would
17 make it.

18 Q. And you would punch into the
19 POSitouch system what the order was?

20 A. Yeah.

21 Q. Okay. You give them the drink.

22 A. And they give me money, and I put it
23 in the register.

24 Q. And did you add --

1 A. No, it was a pooled. like for all
2 the bartenders -- like for that particular bar.

3 Q. For all the bartenders at the bar
4 you were working?

5 A. Right. Right.

6 Q. And when a customer opened a tab,
7 you said you took a credit card?

8 A. Right.

9 Q. And you also take their
10 identification?

11 A. Yes.

12 Q. And you pre-authorize the card?

13 A. I forget. I think so, possibly.

14 Q. And you testified earlier about
15 making an imprint of the card.

16 A. Yeah, yeah.

17 Q. And you did this every time you took
18 -- any time anyone opened a tab?

19 A. Right. Sometimes. I mean, they
20 would pay --

21 Q. If they didn't pay cash?

22 A. No, I mean they would use a credit
23 card without opening a tab though.

24 Q. Right. I was asking when they

63

65

1 A. Or if there was a credit card, I
2 would hold on to the credit card most of the time
3 for the tab. If it was like, if they wanted to
4 keep a tab open, I would hold on to the credit
5 card. But not if they did not.

6 Q. So they could keep a tab open and
7 give you a credit card or pay you cash?

8 A. Right.

9 Q. And did you add a gratuity to the
10 amount of the bill?

11 A. I think if it was over \$30, if I
12 remember correctly.

13 Q. Then you would add --

14 A. Sometimes.

15 Q. Then you would add 20 percent?

16 A. I believe that was the case.

17 Q. And that was a function you could
18 use POSitouch for?

19 A. To add the gratuity, I think so.

20 Q. And what did you do with the tip
21 money when you received cash?

22 A. There was a bucket. You would just
23 put it straight in the bucket.

24 Q. Was it your own personal bucket?

1 opened a tab, those were the procedures you were
2 required to follow.

3 A. Yeah.

4 Q. What did you do with the credit card
5 receipts?

6 A. I don't recall. I think we just put
7 -- keep them in the cash register maybe.

8 Q. And did you take your tip out of
9 that money right away or --

10 A. I'm not a hundred percent sure. I
11 don't recall. I think -- I thought we gave the
12 credit cards to the management when they pulled
13 the drawer at the end of the night. They pulled
14 the drawer and counted it in the office, and then
15 would give us the tips that we were owed from
16 that, if I remember correctly.

17 Q. And would you add those tips to the
18 tip bucket of cash you testified about earlier?

19 A. Yeah, yeah, yeah.

20 Q. So every night you would leave with
21 your portion of the amount of tips you had
22 earned?

23 MR. FREDERICKS: Objection. You can
24 answer the question.

CHRISTOPHER POWNALL

66

68

1 Q. You can answer the question.

2 A. I would leave with --

3 Q. Other than the one occasion where
4 you allege that you had money retained?

5 A. No, not every night. Sometimes if
6 you leave early, they would keep the tips. Like
7 the other bartender would do the thing, and they
8 would put it in an envelope for you.

9 Q. Another bartender would do that?

10 A. I think so.

11 Q. So you did --

12 A. Or I can't remember exactly, but I
13 thought the management took care of like the
14 credit card tips.

15 Q. So you could choose whether or not
16 you wanted to wait to receive that money?

17 A. Choose whether or not to wait like
18 another six hours?

19 Q. To wait around at the club or leave,
20 you could make that decision?

21 A. Yes. I suppose if I wanted to I
22 could have sat for six hours and waited for the
23 bar to close.

24 Q. Well, my question is --

1 it a hundred percent.

2 Q. So if you had worked five hours and
3 someone else had worked eight hours --

4 A. Right.

5 Q. -- do you know how that money was
6 distributed?

7 A. No, I don't.

8 Q. Did you pool the money with anybody
9 else?

10 A. We tipped out to sometimes the
11 servers, I think.

12 Q. You tipped out to servers?

13 A. And also the barbacks, and the
14 runners. Maybe not to servers, I don't remember.

15 Q. In fact, didn't you receive tips --
16 tip outs from the servers?

17 A. If you worked at the service bar,
18 yeah.

19 Q. Not if you worked at the main bars?

20 A. I don't remember.

21 Q. You may have?

22 A. I don't think -- I can't recall.

23 Q. All right. What was the process at
24 the service bar?

67

69

1 A. I don't know.

2 Q. -- you weren't required to wait for
3 the bar to close?

4 A. Yeah, I was required to wait until
5 the bar to close.

6 Q. Well, you testified that sometimes
7 you left early?

8 A. I'm sorry?

9 Q. You testified that sometimes you
10 left early and got your tip money the next day?

11 A. Like I would be let off early. I
12 couldn't get my tips at that time. You couldn't
13 get the tips until the end -- until the bar
14 closed.

15 Q. And if you left before the bar
16 closed, then you could get that tip money the
17 next day?

18 A. Right.

19 Q. And you said that you pooled your
20 tips with the other bartenders?

21 A. Right.

22 Q. Did you share the money equally?

23 A. I don't remember a hundred percent.
24 I think if I left early, I don't think we shared

1 A. The servers would come back with a
2 ticket, and I would make the drink. And they
3 would take it to the customers.

4 Q. And at the end of the night, you
5 would be tipped out by the servers?

6 A. Right.

7 Q. How much did you receive from them?

8 A. I don't recall. It was a percentage
9 of what they made supposedly.

10 Q. And did you pool that amount with
11 other bartenders at the service bar?

12 A. I think the service bar was a solo
13 position. It was just one person.

14 Q. Approximately, how much did you make
15 in tips working at the 40/40 Club in a week?

16 A. In a week, I can't recall weekly a
17 hundred percent. I mean by daily, I would work
18 Mondays like around ten hours or so and make
19 maybe 30, \$40. If we worked a weekday, it would
20 be like around an eight-hour shift, and it would
21 be about \$40 maybe on a good night. Sometimes it
22 was 20. I know I've left there with like \$10
23 before.

24 Q. When did you leave with \$10?

18 (Pages 66 to 69)

CHRISTOPHER POWNALL

70

72

1 A. On Monday night.

2 **Q. Did you -- do you recall what Monday**
3 **night that was?**

4 A. I can't recall specific dates, which
5 one it was. But I know I've worked Wednesday
6 nights on occasion. And that would also be the
7 same thing.

8 **Q. Because those were slower nights?**

9 A. Right. On the weekends, like on
10 Friday or Saturday, on like a ten-hour, 12-hour
11 shift -- like around a ten-hour shift, I would
12 make around a hundred. I know there was one time
13 I probably made 200, almost 200, maybe not even a
14 full 200.

15 **Q. When you punched out at the end of**
16 **the shift, you were supposed to declare the tips**
17 **you had earned that night; correct?**

18 MR. FREDERICKS: Objection. You
19 could answer.

20 A. I think there was a system.

21 **Q. And you needed to put in some amount**
22 **in order to clock out?**

23 A. Right.

24 **Q. And did you accurately report your**

1 counting the cash registers and all that.

2 **Q. So you could usually leave within an**
3 **hour of the bar closing?**

4 MR. FREDERICKS: Objection. He
5 never said that.

6 A. On average. I mean, not every
7 single time it didn't take only an hour. You had
8 to wait for the management to be done counting
9 the tips. Like how long that took -- I mean,
10 there's a lot of people that work there, so at
11 the end of the night they had to count
12 everybody's total at the same time, so -- it was
13 just up to whenever they got done. I know there
14 were times I didn't leave till around 6 or 7 at
15 least.

16 **Q. Do you recall when that was?**

17 A. I can't recall specific dates.

18 **Q. And there were times that you left**
19 **before the bar closed; correct?**

20 A. Right.

21 **Q. And were there also times that the**
22 **bar closed early before 4:00?**

23 A. Yeah.

24 **Q. On the slower days, you talked**

1 **about?**

2 A. Right. Sometimes it would close
3 around like 2 or so.

4 **Q. Did you ever fail to clock out?**

5 A. Not that I recall.

6 **Q. You don't recall any specific**
7 **incident?**

8 A. No.

9 **Q. Did you understand that your tips**
10 **were considered income and subject to tax**
11 **withholdings?**

12 A. Yeah.

13 **Q. And did you understand the club**
14 **withheld the taxes on your tips --**

15 MR. FREDERICKS: Objection.

16 **Q. -- from your regular wages?**

17 A. No, I had no knowledge.

18 **Q. Did you ever ask anyone --**
19 **management how that worked?**

20 A. Yeah, I had asked when I first
21 started. Like I asked about like the paychecks
22 and the hourly rate. I had asked about that. If
23 the taxes --

24 **Q. You asked Eddie that?**

1 **tips?**

2 A. Yes.

3 **Q. How long did the cash-out process**
4 **take?**

5 A. Sometimes up to an hour or so.

6 **Q. Why would it take that long?**

7 A. Because when we were closing the
8 bar, the manager, whoever the manager was, would
9 come down and take the cash register drawer, and
10 take it up to the office, and they would count
11 it. And when we were done cleaning the bars, we
12 would count our tips and -- that we -- the cash
13 tips that we had. And we would go up to the
14 office, and they would tell us like what we had.
15 I think they would tell us what we had in credit
16 cards receipts or credits card tips, and we would
17 give the percentage to the barbacks.

18 **Q. Okay. Were there any other tasks**
19 **you had to complete after closing the bar?**

20 A. Just cleaning and tipping people
21 out.

22 **Q. How long did that take, or was that**
23 **part of the cash-out process?**

24 A. We did that while the management was

CHRISTOPHER POWNALL

90

92

1 A. Yeah.
 2 **Q. Where, in the management office?**
 3 A. Yeah, I have seen him in the office.
 4 **Q. On how many occasions?**
 5 A. I don't know. Probably at least,
 6 probably about five or six.
 7 **Q. Do you know what he was doing in the**
 8 **office?**
 9 A. No, I was at the bar.
 10 **Q. So how did you see him in the**
 11 **office?**
 12 A. The office -- the one office is
 13 attached to the one service bar, or it was when I
 14 worked there. I don't know if it is still.
 15 **Q. So it's an open --**
 16 A. There's the service bar, then
 17 there's a door, and then there's like the
 18 reception to the office, and then there's an
 19 office behind it or two, I think, if I remember
 20 correctly. So I mean I could see him walk
 21 through the door into the office.
 22 **Q. Okay. But then you couldn't see**
 23 **anything that happened?**
 24 A. Right.

91

1 **Q. Is there also a lounge in that area?**
 2 A. A lounge in the office area?
 3 **Q. The area that you're referring to.**
 4 A. I don't know.
 5 **Q. Did you ever have any discussions**
 6 **with Shawn Carter?**
 7 A. No.
 8 **Q. He never instructed you to do**
 9 **anything?**
 10 A. No.
 11 **Q. Do you have any knowledge of any**
 12 **employee that Shawn Carter hired or promoted?**
 13 A. I don't know.
 14 **Q. Do you have any knowledge of any**
 15 **employee that's been disciplined or terminated by**
 16 **Mr. Carter?**
 17 A. I don't know.
 18 **Q. No, you don't have knowledge?**
 19 A. No.
 20 **Q. Do you have knowledge of any club**
 21 **policies or procedures that were set by Mr.**
 22 **Carter?**
 23 MR. FREDERICKS: Objection; vague.
 24 Can you describe to Chris what you mean by

1 "policies and procedures."
 2 **Q. Well, in fact, that's an allegation**
 3 **in the complaint. So why don't you tell me what**
 4 **policies, if any --**
 5 A. The allegation is that he made
 6 policies?
 7 **Q. I'm asking you, are there any**
 8 **policies at the club that you're aware of that**
 9 **were established by Mr. Carter?**
 10 A. I mean, I didn't see anyone write
 11 policies or -- I have no idea what they're
 12 process was for making policies. I was just a
 13 bartender. I had nothing to do with management.
 14 **Q. Okay. And I believe you testified**
 15 **you had met Mr. Perez before; correct?**
 16 A. Right.
 17 **Q. And had he given you any**
 18 **instructions?**
 19 A. I'm sorry?
 20 **Q. Had he ever instructed you to do**
 21 **anything?**
 22 A. Yeah.
 23 **Q. And that was in regards to the**
 24 **cash-out process?**

93

1 A. And like, I mean, he had me make
 2 drinks for him for sure.
 3 **Q. Well, other than in a server --**
 4 A. Like soda. I was a bartender, yeah.
 5 **Q. So you served him as a customer?**
 6 A. I served him as a boss. I didn't
 7 serve him as a customer.
 8 **Q. Other than serving him drinks, did**
 9 **he ever instruct you to do anything?**
 10 A. Like walk by and tell me to clean
 11 something, that sort of thing, yeah.
 12 **Q. Did that happen?**
 13 A. Yes, that did happen.
 14 **Q. When did that happen?**
 15 A. When I working at the bar. Like
 16 either the service bar or the upstairs bar. And
 17 he'd walked by and saw something that was out of
 18 order and told me to fix it, as he was walking
 19 by.
 20 **Q. Do you recall what he was referring**
 21 **to specifically?**
 22 A. No, I don't recall.
 23 **Q. Is there anything else he instructed**
 24 **you to do?**